
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RANDAL WAYNE MAYS, §
§
Petitioner, §
§
versus § No. 6:11-cv-135
§
§
RICK THALER, Director, §
Texas Department of Criminal Justice, §
Correctional Institutions Division, §
§
Respondent. §

ORDER SUBSTITUTING COUNSEL

This matter comes before the Court on attorney John Wright's motion to withdraw as counsel (docket entry # 5), filed on April 6, 2011. The Court, having considered the circumstances alleged and authorities cited in the motion, finds that it is well-taken and it will be granted. The Court also notes that attorney Jeff Haas, Petitioner Mays' co-counsel, has indicated to the Court that he has no objection to being replaced as counsel for Mays.

IT IS THEREFORE ORDERED that Scott Smith, 120 S. Crockett St., Sherman, TX 75090, (903) 868-8686, is substituted for attorneys Haas and Wright as counsel for Mays for his federal *habeas corpus* proceedings, and attorneys Haas and Wright shall have no further responsibilities in these proceedings. Attorney Smith shall be compensated at the rate of \$178.00 per hour, and interim billing will be allowed.

Counsel is reminded that under the Special Procedures for Reviewing Attorney Compensation in Death Penalty cases, adopted by the Judicial Conference of the United States Court of Appeals for the Fifth Circuit, attorney's fees requests above \$35,000 in capital *habeas*

***corpus* proceedings at the District Court level are presumed excessive and must be approved by the Chief Judge of the Fifth Circuit.**

SIGNED at Beaumont, Texas, this 14th day of April, 2011.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE